

### DETAILED ACTION

1. Acknowledgement is made of the amendment received on 02/11/2008.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephonic interview with Liam McDowell on May 16, 2008.

The claims in the application have been amended as follows:

In claims:

- (1) In claim 37, line 26; insert **--which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio programme-associated data to all subscribers at the same time,--** between “,” and “**and**”.
- (2) In claim 52, line 33; insert **--which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio**

**programme-associated data to all subscribers at the same time,--** between  
“,” and “and”.

(3) In claim 67, line 27; insert **--which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio programme-associated data to all subscribers at the same time,--** between  
“,” and “and”.

(4) In claim 70, line 18; insert **--which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio programme-associated data to all subscribers at the same time,--** between  
“,” and “and”.

(5) In claim 82, line 17; insert **--which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio programme-associated data to all subscribers at the same time,--** between  
“,” and “and”.

#### ***Allowable Subject Matter***

3. Claims 37- 50, 52-65, 67, 68, 70-83, 85, 87, 89, and 91 are allowed.

4. The following is a statement of reasons for allowable subject matter:

The prior art of record, Noreen et al. (US 2002/0183059) does not teach or suggest wherein the transmission of the broadcast programme-associated data is

synchronized with the broadcasting of the programme in such a manner that the broadcast programme-associated data is transmitted to the subscriber terminal so that the subscriber terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after a permission to do so has been obtained, which avoids momentary overload of a capacity of the cellular radio network by not transmitting the radio programme-associated data to all subscribers at the same time, and wherein permission to use the broadcast programme-associated data is timed in relation to a clock in the subscriber terminal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kabir A. Timory whose telephone number is 571-270-1674. The examiner can normally be reached on 6:30 AM - 3:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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/Kabir A Timory/

Examiner, Art Unit 2611

/Shuwang Liu/

Supervisory Patent Examiner, Art Unit 2611